

Part 1

Initial Review of Ethics Complaint and Response

JR6-4-101 Review of ethics complaint for compliance with form requirements -- Independent requirements for complaint -- Notice.

- (1) Within five business days after receipt of a complaint, the staff of the Independent Legislative Ethics Commission, in consultation with the chair of the commission, shall examine the complaint to determine if it is in compliance with JR6-2-201 or JR6-3-101.
- (2)
 - (a) If the chair determines that the complaint does not comply with JR6-2-201 or JR6-3-101, the chair shall:
 - (i) return the complaint to the first complainant named on the complaint with:
 - (A) a statement detailing the reason for the non-compliance; and
 - (B) a copy of the applicable legislative rules; and
 - (ii) notify the president of the Senate and the chair and vice-chair of the Senate Ethics Committee, if the legislator named in the complaint is a senator, or the speaker of the House of Representatives and the chair and vice-chair of the House Ethics Committee, if the legislator named in the complaint is a representative, that:
 - (A) a complaint was filed against a member of the Senate or House, respectively, but was returned for non-compliance with legislative rule; and
 - (B) the fact that a complaint was filed and returned shall be kept confidential until the commission submits its annual summary data report as required by JR6-2-104.
 - (b) If a complaint is returned for non-compliance with the requirements of this title, the complainants may file another complaint if the new complaint independently meets the requirements of JR6-3-101, including any requirements for timely filing.
- (3) If the chair determines that the complaint complies with the requirements of this rule, the chair shall:
 - (a) accept the complaint;
 - (b) notify the president of the Senate and the chair and vice-chair of the Senate Ethics Committee, if the legislator named in the complaint is a senator, or the speaker of the House of Representatives and the chair and vice-chair of the House Ethics Committee, if the legislator named in the complaint is a representative:
 - (i) that a complaint has been filed against a member of the Senate or House, respectively;
 - (ii) of the identity of the legislator who is the subject of the complaint and the identity of the person or persons filing the complaint;
 - (iii) of the nature of the allegations contained in the complaint; and
 - (iv) that the fact that a complaint was filed, the nature of the allegations raised in the complaint, and the identity of the legislator and the complainants shall be kept confidential until the commission publicly discloses the existence of the complaint via:
 - (A) a recommendation that an allegation in the complaint be heard by a legislative ethics committee; or
 - (B) submission of the commission's annual summary data report as required by JR6-2-104;
 - (c) notify each member of the Independent Legislative Ethics Commission that the complaint has been filed and accepted and that the existence of and contents of the complaint and the identities of the parties shall be kept confidential; and
 - (d) promptly forward the complaint to the legislator who is the subject of the ethics complaint via personal delivery or a delivery method that provides verification of receipt, together with:

- (i) notice that the existence of and contents of the complaint, and the identities of the parties, are confidential and should not be publicly disclosed;
- (ii) a copy of the applicable legislative rules; and
- (iii) notice of the legislator's deadline for filing a response to the complaint.

JR6-4-102 Meeting of the Independent Legislative Ethics Commission for review of complaint -- Procedures.

By no later than 10 calendar days after the day on which the complaint is accepted under JR6-4-101, the commission chair shall:

- (1) schedule a commission meeting on a date no later than 60 calendar days after the date on which the committee chair and vice chair accept the complaint;
- (2) place the complaint on the agenda for consideration at that meeting;
- (3) provide notice of the date, time, and location of the meeting to:
 - (a) the members of the commission;
 - (b) the first complainant named in the complaint; and
 - (c) the respondent; and
- (4) provide a copy of the complaint to each member of the commission.

JR6-4-103 Response to ethics complaint -- Filing -- Form.

- (1) The legislator that is the subject of the complaint may file a response to the complaint no later than 30 days after the day on which the legislator receives delivery of the complaint.
- (2) The respondent shall file the response with the commission and shall ensure that the response is in writing and contains the following information:
 - (a) the name, address, and telephone number of the respondent;
 - (b) for each alleged violation in the complaint:
 - (i) each affirmative defense asserted in response to the allegation, including a general description of each affirmative defense and the facts and circumstances supporting the defense to be provided by one or more affidavits, each of which shall comply with the following format:
 - (A) the name, address, and telephone number of the signer;
 - (B) a statement that the signer has actual knowledge of the facts and circumstances alleged in the affidavit;
 - (C) the facts and circumstances testified to by the signer;
 - (D) a statement that the affidavit is believed to be true and correct and that false statements are subject to penalties of perjury; and
 - (E) the signature of the signer;
 - (ii) the facts and circumstances refuting the allegation, which shall be provided by:
 - (A) copies of official records or documentary evidence; or
 - (B) one or more affidavits, each of which shall comply with the following format:
 - (I) the name, address, and telephone number of the signer;
 - (II) a statement that the signer has actual knowledge of the facts and circumstances alleged in the affidavit;
 - (III) the facts and circumstances testified to by the signer;
 - (IV) a statement that the affidavit is believed to be true and correct and that false statements are subject to penalties of perjury; and
 - (V) the signature of the signer;

- (c) a list of the witnesses that the respondent wishes to have called, including for each witness:
 - (i) the name, address, and, if available, telephone number of the witness;
 - (ii) a brief summary of the testimony to be provided by the witness; and
 - (iii) a specific description of any documents or evidence the respondent desires the witness to produce;
 - (d) a statement that the respondent:
 - (i) has reviewed the allegations contained in the complaint and the sworn statements and documents attached to the response; and
 - (ii) believes the contents of the response to be true and accurate; and
 - (e) the signature of the respondent.
- (3) Promptly after receiving the response, the commission shall provide copies of the response to:
- (a) each member of the commission; and
 - (b) the first named complainant on the complaint.